THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No : 3122 of 2003

Dated 19th September, 2005.

Between:

National Ex service men Coordination Committee, Rajahmundry Zone, E.G.Dist rep by its Secretary M.Koteswararao.

And

The District Collector, East Godavri Division, Kakinada East Godavir District.

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ORDER:

This writ petition has been filed by National Ex-Service men Coordination Committee, Rajahmundry Zone, E.G. District represented by its Secretary M.Koteswararao, with a prayer to issue a writ of Mandamus directing the respondents to examine the request of the petitioner to assign the surrendered land to its members as per their eligibility and entitlement, and declaring the action of the respondent in not considering or responding the representation dated

22-10-2002, as illegal and arbitrary and violative of the provisions of the Constitution of India.

M.Koteswararao, Secretary of the petitioner-committee has sworn to the writ affidavit. It is stated in the writ affidavit that the petitioner-committee submitted an application for assignment of land to its members and the said representation has been pending. Hence, the petitioner-committee has chosen to approach this Court by invoking the jurisdiction under Article 226 of the Constitution of India seeking relief as stated supra.

A counter-affidavit has been filed by the respondents. It is stated in the counter affidavit that the respondents 2 and 3 were instructed by the 1st respondent- District Collector, Kakinada, to submit the report on the representation in Collector's Ref.E5/5759/2002, dated 11-11-2002. Para No.7 of the counter affidavit reads as follows:-

> "It is not correct to say that no action has been taken on the representation dated 22-10-2002 of the petitioner. The respondent 2 & 3 were instructed by the Collector, Kakinada to submit their reports on the representation in Collector's Ref.E5/5759/2002, dated 11-11-2002. Accordingly, the respondents 2 & 3 submitted their report to the 1st respondent in their ref.L.Dis.A/319/2002, dt.07-03-2003 and ref.A/58/2003, dated 20-02-2003 respectively basing on which the respondent No.1 issued an endorsement Ref. Ref.E5/5759/2002, dated 30-03-2003.
>
> It is pertinent to submitted that action is being taken to take possession of ceiling lands in Korukonda Mandal and sanction of assignment to the eligible Ex-Servicemen will be considered in due course along with other eligible landless poor as per ratio prescribed in the Act after approval of Mandal Assignment Committee.
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> In view of the circumstances stated above, the Hon'ble High Court may be requested to dispose off the W.P as the allegation made by the Writ Petition is baseless and not based on merits and not maintainable as per law."

Heard the learned counsel for the petitioner and the learned Government Pleader for Assignment appearing for the

respondents.

Since it is stated in the counter-affidavit that the representations of the petitioner-committee is under consideration, it cannot be said that the respondents have not taken any action on the representation of the petitioner-committee. Since the assignment of the land is to the individual, it is the entitlement of the individual that is to be taken into account, and therefore, the members of the petitioner's-committee have to submit the applications individually and thereupon the respondents have to be considered their applications in accordance with law.

In the result, the writ petition is disposed of giving directions to the members of the petitioner's-committee to submit their applications individually to the respondents seeking assignment of the land and thereupon, the respondents have to consider their applications in accordance with rules/guidelines in force.

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19th September, 2005.

Note:

Issue copy within one week.

(B/O)

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